



U.S. Department of Justice

*United States Attorney
Southern District of New York*

MEMO ENDORSED

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

April 10, 2023

BY ECF

Honorable Edgardo Ramos
United States District Judge
40 Foley Square
New York, N.Y. 10007

Re: *United States v. Mario Alvarenga, et al., S4 15 Cr. 627 (ER)*

Dear Judge Ramos,

The Government writes to request that the Court schedule an emergency telephonic conference in the above-captioned matter to address efforts by Petermark II LLC (“Petermark”) to auction the properties at 2146-2148 Fulton Street, Brooklyn, New York (the “Fulton Street Properties”), which are subject to the consent preliminary order of forfeiture. (Dkt. 292).

On April 6, 2023, the Government learned that the Fulton Street Properties are scheduled to be auctioned on April 13, 2023 at 11:45 a.m., pursuant to a proceeding in Kings County Supreme Court (the “Kings County Proceeding”). The Government contacted counsel for Petermark, David Fiveson, on April 7, 2023, to discuss this matter. On April 10, 2023, the Government spoke with Stephan B. Gleich, Esq., Petermark’s counsel in the Kings County Proceeding. Mr. Gleich informed the Government, in sum and substance, that Petermark intended to proceed with the auction.

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The Government respectfully requests that the Court schedule an emergency telephonic conference in light of Petermark's stated intention to auction the Fulton Street Properties despite the existence of this forfeiture action. If Petermark maintains this position, the Government intends to seek a restraining order or an injunction pursuant to Title 21, United States Code, Section 853(e)(1)(A). The Government is available at any time on April 11, 2023.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: 
Sheb Swett
Assistant United States Attorney
(212) 637-6522

cc: All counsel (by ECF)

A telephonic hearing will be held on April 12, 2023 at 2:30 p.m. Petermark II LLC is directed respond by April 11, 2023. The parties are instructed to call (877) 411-9748 and enter access code 3029857# when prompted.

SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: 4/10/2023

New York, New York